

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ANDREW GONZALEZ,

PLAINTIFF

v.

DIVERSIFIED CONSULTANTS, INC.,

DEFENDANT

§
§
§
§
§
§
§
§
§
§

C.A. NO. 4-14-cv-00236-O-BJ

JOINT STATUS REPORT

Pursuant to the Court's Orders dated May 5, 2014 and June 4, 2014, *pro se* Plaintiff and Defendant's counsel conferred on June 13, 2014, and discussed the matters set forth in the Court's May 5, 2014 Order. The following is the parties' Joint Status Report for the Court's information and consideration.

1. A brief statement of the nature of the case, including the contentions of the parties:

Plaintiff has alleged that Defendant has violated the federal Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* ("FDCPA"), in connection with Defendant's communications with Plaintiff. Defendant denies any wrongdoing.

2. Any challenge to jurisdiction or venue:

None.

3. Whether the disclosures required by Rule 26(a)(1)(A) will be made:

The parties will make the disclosures required by Rule 26(a)(1)(A).

4. (a) a very brief statement of the subjects on which discovery may be needed,
(b) When discovery should be completed, and
(c) Whether discovery should be conducted in phases or be limited or focused upon particular issues:

Discovery subjects shall include the transaction and communications between Plaintiff and Defendant and the bases of Plaintiff's claims and damages and Defendant's defenses, including all documents and information related to communications between Plaintiff

and Defendant, including, but not limited to, Defendant's call records and logs, and Plaintiff's telephone records, bills and/or statements. The foregoing is not to be construed as an acknowledgement of the propriety of any particular discovery demand or method, and the parties' rights to object to discovery as propounded are expressly preserved. The parties anticipate discovery should be completed by December 31, 2014. The parties agree discovery shall not be conducted in phases or limited to or focused on particular issues.

5. Proposed means for disclosure or discovery of electronically stored information ("ESI") and a statement of any disputes regarding the disclosure or discovery of ESI.

The parties do not anticipate the discovery or disclosure of ESI.

6. What changes should be made in the limitation on discovery imposed under these rules or by local rule, and what other limitations should be imposed.

The parties do not see the need for any changes in the limitation on discovery provided for under the Rules.

7. A proposed deadline to file motions for leave to join other others.

The parties agree that it is unlikely that other parties will be joined. However, the parties propose a preliminary deadline of September 19, 2014 to file motions for leave to join other parties, with the understanding that either party may seek leave to file after that date based upon evidence received after, on, or shortly before that date or based on a showing of good cause.

8. A proposed deadline to amend the pleadings.

September 19, 2014

9. A statement regarding whether any other orders should be entered by the Court under Rule 26(c) or under Rule 16(b) and (c).

The parties do not believe any additional orders are needed.

10. A proposed deadline to the file dispositive motions.

January 31, 2015

11. Whether a jury demanded has been made.

Plaintiff has demanded a jury trial.

12. (a) An assessment of the prospects for settlement,
(b) The status of any settlement negotiations already conducted (except that the parties shall

not disclose settlement figures).

- (c) The parties' agreement as to a specific date, place and time of a formal settlement conference at which the parties and their counsel shall appear in person to discuss settlement of this case ...; and a proposed date for further settlement negotiations.

The parties are optimistic that a settlement can be reached. During their telephone conference, the parties briefly discussed engaging in a full settlement dialogue in the very near term (as Defendant's counsel is new to the case and is still evaluating Plaintiff's claims). The parties agreed to conduct the in person settlement conference no later than October 31, 2014 in Fort Worth, Texas, the proposed date being Thursday, October 30, 2014 at 1:30 p.m. at Starbucks, Alliance Town Center, Heritage Trace & I-35, 3300 Heritage Trace Parkway, Fort Worth, Texas 76177. Further settlement negotiations shall occur before December 31, 2014.

13. An assessment of whether the dispute would be amenable to mediation and if not, why not, keeping in mind that pro bono mediation may be available to parties unable to afford it. If mediation seems appropriate, indicate when (month and year) it would be appropriate.

The parties do not believe mediation is appropriate in this case because the costs of mediation could be disproportionate to the amount in controversy, and because the parties are hopeful that this matter may be settled without the need for mediation. The parties are amenable to pro bono mediation.

14. Whether will consent to trial (jury or non-jury) before U.S. Magistrate Judge Cureton, who will preside over all pretrial proceedings and trial.

At this time, Plaintiff does not consent. Plaintiff reserves the right to consent at a later time.

15. Any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial.

None.

16. Whether a conference with the Court is desired.

The parties do not desire a conference with the Court.

17. Any other matters relevant to the status and disposition of this case.

None.

18. A statement that counsel have read the *Dondi* decision, 121 F.R.D. 284 (N.D. Tex. 1988).

The parties have read the foregoing decision.

Dated: June 16, 2014

Respectfully submitted,

By: /s/ Andrew Gonzalez

416 Chatamridge Court
Fort Worth, TX 76052
(817) 975-5655
gonandrew@yahoo.com

PRO SE PLAINTIFF

**SMITH, ROBERTSON, ELLIOTT &
DOUGLAS, L.L.P.**

By: /s/ A. Lee Rigby

A. Lee Rigby
State Bar No. 24029796

221 West Sixth Street, Suite 1100
Austin, Texas 78701
Telephone: (512) 225-5800
Telecopier: (512) 225-5838
Email: lrigby@smith-robertson.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Andrew Gonzalez
416 Chatamridge Court
Ft. Worth, Texas 76052
gonandrew@yahoo.com

/s/ A. Lee Rigby